A Socio legal study of Prison system and its Reforms in Uttarakhand

INTRODUCTION

"It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones**."**

— Nelson Mandela

Today though there is a spurt of economic growth in India but there are certain hidden factors which are negatively affecting the GDP of our nation. Few such factors are pollution, poverty, illiteracy while one hidden factor is the Prison inmates. They are the "Living Reality" and India should work towards turning these prison inmates into an asset. This would lead to nation building & integration of the country. The notion here is not how to punish the prison inmates but to treat them in a humanistic way once the due process of law finishes.

Is this a hellish nightmare that a prisoner has to awaken from? Caged and confined, thinking and pondering, he wonders what human is this that should be subjected to imprisonment that neither improves nor corrects his soul. Is there no compassion for restoring a man to contribute to this world? Or does the dark side of humanity see offenders of the law as utter undesirables unworthy of aid and therapy?

Serving time for violating the law is not supposed to be a picnic, but demoralizing and dehumanizing a man to the dust of the ground does not correct behavior that got him incarcerated in the first place. This only fuels the fire, a fire which, if not handled properly, will in time burn everything in its path.

PRISONS IN UTTRAKHAND

Uttarakhand is a young state with 70% hilly area . It has total 13 districts but only 4 districts have jails. There are 10 jails in toto in Uttarakhand at (Dehradun , Haridwar, Rorkee, Udhamsingh Nagar, Nanital, Haldwani, Pauri, Tehri, Almora, Chamoli,& Sitarganj). While only Dehradun, Roorkee, Haridwar & Haldwani are large in size[1].

Thus separating individuals in a community does indirectly injure the community as a whole. These individuals obviously are no longer contributing to the local economy, but on a basic level, their absence places a hole into a community. Offenders have been shaped by the values and practices of their community but they become real criminals after going to prison.

Criminals are nothing but tools of retribution of some deep hidden pain and torture**.** A controversial approach to punishment, retribution's roots lie firmly planted in ancient legal codes. Traditionally defined as "an eye for an eye, a tooth for a tooth," retributive practices developed to include the revived interest in retribution of the prisoners. Today, in light of major criticisms, retributive justice is changing as alternatives are being considered.

AIMS AND OBJECTIVES

The main aim & objective of this research is to assess the need and scope of prison reforms in Uttarakhand by carrying out a socio-legal study based on collecting empirical evidences.

The research will strive to obtain hands on understanding of real challenges in the path of prison reforms in Uttarakhand and will compare it with the best available standards in the country and beyond.

The key objectives of the research:

[1] http://www.uk.gov.in

- To understand the historical background of prison system & reforms in India
- To examine the present conditions of inmates in the jails of Uttarakhand.
- To critically analyze the areas of reform & how can it be implemented.
- To overview the best standard practices of Jails in Sweden & Norway which can be adopted in the Prison system of Uttarakhand.
- To examine the contribution of jail reform on the criminal psyche.
- To examine the contribution of technology in furthering prison reforms.

The research will also look at the integration of technology & prison reforms to assess how best jail can foster on environment of reformation.

HENCE THE PROPOSED RESEARCH QUESTIONS

1. What is the present condition of jail inmates in Uttarakhand? Does it substantiate to the laid out guidelines of various committees and commission?
2. Which are the areas of reforms in the prisons of Uttarakhand ?
3. What are the best standard practices in Sweden & Norway which the Uttarakhand prison system can adopt?
4. How can jails contribute to reform the criminal psyche?
5. How can technology contribute in furthering prison reforms in Uttarakhand ?

LITERATURE REVIEW

- **Anupam Trivedi,UTTARAKHAND JAILS OVERCROWDED, REVEALS RTI QUERY,Hindustan Times (Feb 01, 2018 22:26 IST)**

The information provided by inspector general of police (prisons) PVK Prasad states that a total of 4,815 inmates are lodged in the 11 jails in the state that have combined capacity to house only 3,378 prisoners.

- **Anupam Trivedi,UTTARAKHAND: AN OPEN PRISON WITH FIELDS AND UNFETTERED INMATES VIES FOR SPACE AND SURVIVAL, Hindustan Times(Jun 18, 2017 08:36 IST)**

Shivir is among the 28 open jails in India. Here, prisoners are allowed to move within the fields of the jail and can keep with them their families for a week in a month.The number of inmates, referred to as shivir wasis, too dwindled from 500 in 2000 to 44 in 2017. “We have urged the inspector general of jails to shift 50 prisoners from other jail to this camp so that the number of inmates is increased and we can have more hands for agricultural work”, superintendent of the shivir TD Joshi said.

- **Kautilya Singh, UTTARAKHAND JAILS TO EMULATE TIHAR MODEL,Times Of India City(Jan 29, 2015, 23:05 IST)**

Uttarakhand jail authorities are all set to introduce a road map for improving security, functioning and engaging of inmates lodged in the state's 11 prisons. A four member team — comprising of IG (prison) P V K Prasad and three jail superintendents — visited New Delhi's Tihar jail on Tuesday and interacted with the authorities and convicts there to get their feedback on security, facilities and activities. Bhura's escape led to the post of IG (prison).

- **ANI,Uttarakhand: 16 inmates suffering from AIDS in Haridwar jail,The New Indian Express (Published: 24th December 2017 01:34 AM)**

In the district jail of Uttarakhand's Haridwar, not one or two but 16 inmates were found to be affected with acquired immune deficiency syndrome (AIDS). The Uttarakhand State AIDS Control Society conducted the investigation.

- **Uttarakhand: Russian prisoner goes on hunger strike, WebIndia123,(July 8, 2017 12:01:13 AM IST)**

A Russian national, lodged in Uttarakhand's Tehri jail has gone on hunger strike.Due to starving, the condition of the Russian national named Sergei has become critical and has been admitted to the hospital.

- **Sunetra Choudhuy, BEHIND BARS : PRISON TALES OF INDIA'S MOST FAMOUS(Publisher: Roli Books ,2017)**

The book is a respectable initiative towards the commencement of a dialogue over life in Indian jails, which requires urgent attention. Highlights the difference in the incarnated lives of the rich and the poor, educated & illiterate, young & the old .

- **Dr Jaytilak Guha Roy, PRISON AND SOCIETY : A STUDY OF INDIAN JAIL SYSTEM (Publisher: Gian Publishing house ,1989)**

The book describes the prison administration in India & its comparative analysis. It lays stress upon the restructuring of the Indian prison administration.

- **Angela Y.Davis , ARE PRISONS OBSOLETE ?(Seven Stories Press, 2011**)

This book talks about abolition of prison systems. It criticize the present system that hinges on profit & Exploitation . It challenges us to accept a path of "

creatively exploring new terrains of justice , where the prisoner no longer serves as our major anchor.

- **Michel Foucault, DISCIPLINE & PUNISH: THE BIRTH OF THE PRISON *(*Publisher: New York : Pantheon Books, 1977)**

The book traces how prisons came to dominate modern punishment. It focuses that prisons are favored even when they are not particularly successful & have nothing to do with reducing of crime.

- **Michael Newton, PRISON AND THE PENAL SYSTEM (Publisher:Chelsea House Publications 2010)**

The book specifically talks about crime & punishment. It gives aspecial mention to the new world disorder , the right & wong in the prisons.

- **Max B. Rothman, Burton D. Dunlop & Pamela Entzel, ELDERS, CRIME, AND THE CRIMINAL JUSTICE SYSTEM: MYTH, PERCEPTIONS, AND REALITY IN THE 21ST CENTURY (Publisher: Springer Publishing Company ,2004)**

This book provides a comprehensive analysis of interactions between older people and the criminal justice system. It research on elders in a multitude of roles, from victim and offender to attorney, defendant, witness, juror, and prisoner. Of particular interest are chapters on the psychological and medical conditions of elder prisoners, and issue around selective demarcation.

- **Jeffrey H. Reiman ,THE RICH GET RICHER AND THE POOR GET PRISON: IDEOLOGY, CLASS, AND CRIMINAL JUSTICE,6th edition(Publisher: Allyn & Bacon publishing house ,2000)**

The basic premise of this text is that the Criminal Justice system is biased against the poor from start to finish - from the definition of what constitutes a crime through the process of arrest, trial, and sentencing**.**

- **Cyndi Banks, WOMEN IN PRISON: A REFERENCE HANDBOOK (Publisher: ABC-CLIO,2003)**

This book focuses on an often overlooked subject, this volume explores women's incarceration, from the first women-only prison to modern state-of-the-art facilities. It explores controversies, problems, and solutions, such as excessive discipline, the lack of training programs, sexual abuse, medical services, and visitation policies

- **Mitchel P. Roth , PRISONS AND PRISON SYSTEMS: A GLOBAL ENCYCLOPEDIA (Publisher: Greenwood,2005)**

It is a collection of collection: it packs in details on famous prisons, prisoners, prison museums, prison culture, writings by prisoners and more, with listings ranging from paragraphs of biographical detail to near-essay fullness.

- **David Scott & Helen Codd, CONTROVERSIAL ISSUES IN PRISONS (Publisher:Open University Press ,2010)**

This textbook is designed to explore eight of the most controversial aspects of imprisonment in England and Wales. It looks at the people who are sent to prison and what happens to them when they are incarcerated. Each chapter examines a different dimension of the prison population and makes connections between the personal troubles and vulnerabilities of those confined. The book investigates controversies surrounding the incarceration of people with mental health problems, women, children, and foreign nationals, offenders with

suicidal ideation, sex offenders and drug takers, as well as looking at the consequences of incarceration on prisoners' families.

RESEARCH METHODOLOGY:

The research will be based on both Doctrinal and Non-Doctrinal approach.

The researcher will collect data from primary and secondary sources.

- **Primary data** for the study will be collected through a structured questionnaire and interview schedule, participant observation and brief case studies. Interview schedule will be prepared prepared to know the various aspects which include socio-economic conditions, general living conditions, rehabilitative programs, education, and treatment by the prison staff and the rights of under trial prisoners. This will be done through cluster sampling & multi stage sampling. In addition interview of few judges, public prosecutors & prison authorities will also be conducted to know the other side of the picture so that appropriate conclusions can be drawn by the researcher at the end of the research in order to meet the proposed aims & objectives.
- **Secondary data** will be collected through the perusal of book written by various eminent writers, reports by various committees & commissions, articles written by various scholars, statutes governing the prisons, various scholarly publications, and thesis of various research scholars & critically analyzing them in order to find out the areas left untouched.

SCOPE AND CONSTRAINTS:

The research will cover the various prisons of Uttarakhand aiming at identifying the dark side & suggesting the various prospects of reforms in the prison system in Uttarakhand .

The main constraint of the research is that it is non-funded.

TENTATIVE CHAPTERIZATION

1. Introduction
2. Status of Prison Inmates in Uttarakhand

3. Jail Environment and Criminal Psychology
4. A Comparative Analysis with best standard practices in Sweden and Norway
5. Technological advancements & Prison Reforms
6. Scope & Implementation of Reforms in the Prisons of Uttarakhand
7. Findings, Conclusions and Suggestions

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